

242.125 Separate vote on prohibition in cities of first four classes, in dry county or in case of county-wide election -- Status of dry precincts in case city votes wet.

- (1) In any county in which the provisions of KRS 242.220 to 242.430 are applicable by reason of an election for the entire county having heretofore resulted in favor of prohibition, an election may be held in any city of the first four (4) classes in such county to take the sense of the people of the city as to the discontinuance of prohibition in the city. For this purpose, the election in the city shall not be deemed to be an election in the "same territory" as that in which the county-wide election was held, within the meaning of subsection (5) of KRS 242.030. If, at the election for a city, the majority of the votes cast are against prohibition, the vote makes KRS 242.220 to 242.430 inapplicable to the entire city, but this does not prevent an election from thereafter being held in any precinct of the city, subject to the provisions of KRS Chapter 242, to take the sense of the people of the precinct as to the application of KRS 242.220 to 242.430 in the precinct.
- (2) In any election hereafter held for an entire county, which county is not at the time of the election dry territory by reason of a county-wide election heretofore held, for the purpose of taking the sense of the voters as to the application of KRS 242.220 to 242.430 in the county, the voters within each city of the first four (4) classes in the county shall be presented with the question, "Are you in favor of the sale of alcoholic beverages in (name of city)?" The question shall not be presented to the voters of any city of such class, if, less than three (3) years prior to the date of the proposed county-wide election a city-wide election was held in the city at which a majority of the votes cast were against prohibition. The status of such a city is not affected by the result of the county-wide election. The voters outside of the cities of such classes shall be presented with the question, "Are you in favor of the sale of alcoholic beverages in (name of county), outside of the corporate limits of the cities of the first four classes?" The votes of each such city shall be separately tabulated, and the votes of the voters outside such cities shall be separately tabulated. If the majority of votes cast in any such city are for prohibition, KRS 242.220 to 242.430 shall apply to the entire city. If the majority of votes cast in any such city are against prohibition, then KRS 242.220 to 242.430 shall be inapplicable, except, that if, at the time of the election, any number of precincts of the city, less than the entire city were dry territories, the votes shall not make KRS 242.220 to 242.430 inapplicable in such precinct. If the majority of votes cast in any city are against prohibition, and if, at the time of such election, the entire city was dry territory, KRS 242.220 to 242.430 shall be inapplicable to the entire city. If the majority of votes cast in the county outside of such cities of the first four (4) classes are for prohibition, KRS 242.220 to 242.430 shall apply to all of the county outside of the cities. If the majority of the votes cast in the county outside of the cities are against prohibition, the votes shall not make KRS 242.220 to 242.430 inapplicable to any district or precinct outside of the cities that was dry territory at the time of the election.
- (3) If, in any city-wide election held in a city of the first four (4) classes for the purpose of taking the sense of the voters as to the adoption or discontinuance of the application of KRS 242.220 to 242.430 to the city, other than an election coming

within the provisions of subsection (1) or (2) of this section, the majority of the votes cast are for prohibition, KRS 242.220 to 242.430 applies to every portion of the city. If, in any city-wide election, the majority of the votes cast are against prohibition, and if, at the time of the election, any number of precincts in the city less than the entire city were dry territories, the votes do not make KRS 242.220 to 242.430 inapplicable to such precincts. If, in any city-wide election, the majority of votes cast are against prohibition, and if, at the time of the election, the entire city was dry territory, KRS 242.220 to 242.430 is inapplicable to the entire city.

Effective: July 15, 1982

History: Amended 1982 Ky. Acts ch. 360, sec. 66, effective July 15, 1982. -- Amended 1966 Ky. Acts ch. 255, sec. 213. -- Amended 1966 Ky. Acts ch. 255, sec. 213. -- Created 1948 Ky. Acts ch. 47, sec. 1.